

ENDORSED

STATE OF NEW MEXICO
COUNTY OF DONA ANA
THIRD JUDICIAL DISTRICT

FILED

2011 OCT -7 PM 2:13

JESUS CARRANZA and
LUCINA CARRANZA

DISTRICT COURT
DONA ANA COUNTY, NM

Plaintiffs,

v.

QUALITY FIRST PRODUCE and
PHONG THANH TRAN,

CV: 2011 - 2447

Judge:

THIS CASE HAS BEEN ASSIGNED TO
JAMES T. MARTIN

Defendants.

COMPLAINT FOR DAMAGES FOR PERSONAL INJURY

Plaintiffs, by and through their counsel, SAENZ & TORRES, P.A., Angel L. Saenz and Denise M. Torres, for their claims against the Defendants state:

1. Plaintiffs Jesus Carranza and Lucina Carranza are residents of Las Cruces, County of Dona Ana, State of New Mexico.
2. Defendant Quality First Produce does business in New Mexico and/or engages in interstate commerce through New Mexico.
3. Defendant Phong Thanh Tran engaged in interstate commerce in New Mexico and committed a willful, reckless, negligent and/or tortuous act in New Mexico.
4. The incident complained of herein occurred on Interstate Highway 10, County of Dona Ana, State of New Mexico.
5. On or about the 30th day of August, 2011 at approximately 12:00 p.m., Plaintiff Jesus Carranza was driving his pickup truck west on Interstate Highway 10 toward Las Cruces, County of Dona Ana, State of New Mexico.
6. At the same time and place, Defendant Phong Thanh Tran was driving a 2007 Volvo truck with a semi-trailer west on Interstate Highway 10 behind Jesus Carranza.

7. Defendant Phong Thanh Tran caused the truck and trailer to collide with the rear of the pickup truck driven by Jesus Carranza with such force that it caused the pickup truck to explode into flames.

8. Defendant Phong Thanh Tran was negligent at the above date and time in that he was reckless; careless; accelerated instead of slowing the truck he was driving; failed to use due care; failed to have his vehicle under proper control; failed to maintain a proper lookout; and other improper driving.

9. Defendant Quality First Produce was the owner of the vehicle driven by Phong Thanh Tran and negligently entrusted it to him.

10. Phong Thanh Tran was acting within the course and scope of his employment with Quality First Produce at the time of the events complained of herein.

11. Defendants have violated provisions of the Federal Motor Carrier Safety Act and New Mexico Traffic Code and as such are negligent per se.

12. The actions of the Defendants were malicious, outrageous, wanton, grossly negligent, and showed reckless disregard for the life and well being of Plaintiff Jesus Carranza, so as to make an award of punitive damages appropriate.

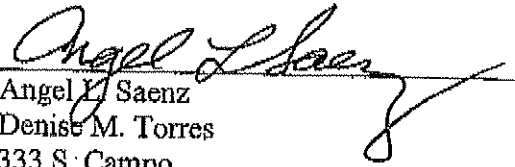
13. As a direct and proximate result of the negligence of the Defendants, Plaintiff Jesus Carranza suffered the following:

- a) Past, current and future medical bills and expenses incurred;
- b) Past, current and future pain and suffering from injuries received;
- c) Loss of enjoyment of life;
- d) Lost earnings and lost earning potential;
- e) Disfigurement; and
- f) Loss of consortium.

14. Lucina Carranza is the wife of Jesus Carranza and suffers from loss of consortium.

WHEREFORE, Plaintiffs prays for compensatory damages against the Defendants, punitive damages, costs incurred herein, pre-judgment interest and such other and further relief as the Court may deem just and proper.

Respectfully Submitted,
SAENZ & TORRES, P.A.


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